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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

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Docket No. RCRA-07-2001-0016

COMPLAINT, COMPLIANCE ORDER AND NOTICE OF OPPORTUNITY FOR HEARING

A. PRELIMINARY STATEMENT

This Complaint, Compliance Order, and Notice of Opportunity for Hearing (“Complaint”) is issued pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984 (hereinafter referred to as “RCRA”), 42 U.S.C. Sections 6928(a) and (g), in accordance with the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, found at 40 Code of Federal Regulations (“C.F.R.”) Part 22. The Complainant is the Director, Air, RCRA, and Toxics Division, United States Environmental Protection Agency Region VII (“EPA” or “Complainant”). The Respondent is Missouri Woodtreating Company, Inc., 120 Anderson Lane, Raymondville, Missouri 65555 (“Missouri Woodtreating” or “Respondent”).

The authority to execute this Complaint, Compliance Order, and Notice of Opportunity for Hearing has been delegated to the Regional Administrators and redelegated by the Administrator of Region VII to the Director of the Air, RCRA, and Toxic Division of EPA, Region VII.

The State of Missouri has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), and the State of Missouri has adopted by reference most of the federal regulations cited herein. Citations to Missouri laws and regulations are given below. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized state program and the regulations promulgated thereunder. When EPA determines that any person is violating Subtitle C of RCRA, EPA may issue an Order under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). In the case of a violation in a state authorized to carry out a hazardous waste program, EPA must notify the state in which such violation has occurred before issuing an Order. The State of Missouri has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

This Complaint, Compliance Order, and Notice of Opportunity for Hearing shall remain in full force and effect until such time as all activities required of Respondent herein have been completed to EPA's satisfaction. EPA shall notify Respondent in writing when Respondent has completed all activities pursuant to this Complaint and upon receipt of such notification by Respondent, this Complaint, Compliance Order, and Notice of Opportunity for Hearing shall be considered terminated.

The Complainant has determined the Respondent has violated the requirements of Missouri laws and regulations and federal laws and regulations cited in each Count below. Based upon the facts alleged in this Complaint and upon those factors which the Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as discussed in the RCRA Civil Penalty Policy issued by EPA on October 26, 1990, including the seriousness of the violations, the threat of harm to public health or the environment, any good faith efforts of Respondent to comply with the applicable requirements, as well as other matters as justice may require, the Complainant proposes the Respondent be assessed a civil penalty of \$277,654.50, pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), for the violations of RCRA alleged in the Complaint below. The RCRA Civil Penalty Policy provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases.

B. COMPLAINT

ALLEGATIONS COMMON TO ALL COUNTS

1. The Respondent, Missouri Woodtreating Company, Inc., is a Missouri corporation authorized to conduct business in the State of Missouri and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15).
2. The Respondent has operated a wood treating facility located at 120 Anderson Lane in Raymondville, Missouri (the "facility") for approximately seventy (70) years. Respondent uses a solution of five (5) percent pentachlorophenol ("PCP") in a diesel solution to treat pine and oak posts and lumber. PCP is the only wood preservative used at the facility.

3. As a result of its wood treatment operations, Respondent generates solid and hazardous wastes; specifically, Respondent generates PCP drippage, residues and discarded unused formulations. Each of these wastes is a "solid waste" within the meaning of 40 C.F.R. § 261.2, as incorporated by reference at 10 C.S.R. 25-4.261, and a "hazardous waste" within the meaning of Section 260.360(11) of the Missouri Hazardous Waste Management Law, Mo. Rev. Stat. § 260.360(11)(2000) and Mo. Code of State Regulations (C.S.R.) Title 10 § 25-4.261, which incorporates by reference the methods for classification of hazardous waste found at 40 C.F.R. Part 261. Respondent's wastes are classified as listed hazardous wastes pursuant to 10 C.S.R. 25-4.261(1) and 40 C.F.R. § 261.31 and have been assigned the waste codes F032 (PCP drippage and residues) and F027 (discarded unused PCP formulations).

4. Respondent also generates PCP contaminated residue (wood chips and sawdust) and contaminated personal protective equipment (PPE) as a result of wood treating operations at the facility. These are solid wastes and hazardous wastes as classified by the statutes and regulations cited in paragraph 3 above and have been assigned the waste code F032.

5. On or about July 24, 1991, Respondent notified the Missouri Department of Natural Resources ("MDNR") that it was operating as a conditionally exempt small quantity generator (CESQG). Respondent's facility was subsequently assigned RCRA Identification Number MOD006312243.

6. The EPA performed an inspection at Respondent's facility on October 24, 2000 (hereinafter the "October 2000 inspection"). The inspector observed several violations of RCRA during the inspection, which form the basis for the allegations in Counts I and II below.

COUNT I
OPERATION OF A HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL
FACILITY WITHOUT A PERMIT

7. Complainant hereby incorporates the allegations contained in paragraphs 1 through 6 above as if fully set forth herein.

8. Mo. Rev. Stat. § 260.390(2002) and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a) prohibit the owner or operator of a hazardous waste facility from operating a hazardous waste facility without first obtaining a hazardous waste facility permit. The term "hazardous waste facility" is defined in Mo. Rev. Stat. § 260.360(12)(2002) to include "any property that is intended or used for hazardous waste management including, but not limited to, storage, treatment and disposal sites."

9. During the October 2000 inspection, EPA's inspector observed several areas of spills and/or drippage in the treatment area of the facility. The facility owner told EPA's inspector that the spills and/or drippage on the floor of the treatment building had not been cleaned up in the past fourteen (14) years and that the stained soils in the storage yard areas had been accumulating since the facility began operations approximately seventy (70) years ago. Samples taken from the floor of the treatment building, from the soils in the storage yard areas and from a drainage ditch located southeast of the retort confirmed the presence of PCP. PCP drippage and wood treatment residues are listed hazardous wastes (F032).

10. EPA's inspector also observed PCP drippage in front of the retort on the ground and in between the train tracks. PCP drippage from the retort and the train tracks is a listed hazardous waste (F027).

11. Respondent has never obtained a RCRA permit or interim status for the disposal of F032 and F027 listed hazardous waste at the facility, in violation of Mo. Rev. Stat. § 260.390(2002) and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

12. Pursuant to Sections 3008(a) and 3008(g) of RCRA, 42 U.S.C. Sections 6928(a) and 6928(g), Complainant proposes that Respondent pay a gravity-based penalty of \$22,000 plus a \$196,900.00 multiday penalty, plus a fifteen (15) percent upward adjustment of (\$32,700) due to a history of noncompliance, plus a penalty representing an economic benefit of \$22,713 realized by Respondent as a result of its operation of a hazardous waste treatment, storage or disposal facility without a permit. The total proposed civil penalty for the violations alleged in Count I is therefore \$274,313.

COUNT II
FAILURE TO MAKE A HAZARDOUS WASTE DETERMINATION

13. Complainant hereby incorporates the allegations contained in paragraphs 1 through 12 above as if fully set forth herein.

14. Pursuant to 40 C.F.R. § 262.11, as incorporated by reference at 10 C.S.R. 25-5.262, a generator of solid waste as that term is defined in 40 C.F.R. § 260.2 and 10 C.S.R. 25-3.260, must determine if the solid waste is a hazardous waste.

15. At the time of the October 2000 inspection, Respondent was generating solid wastes in the form of PCP drippage residue and PCP contaminated personal protective equipment (gloves), without determining if those solid wastes were hazardous wastes.

16. Respondent's failure to make hazardous waste determinations on the solid wastes identified in paragraph 15 is a violation of 40 C.F.R. § 262.11, as incorporated by reference at 10 C.S.R. 25-5.262.

17. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and based upon the allegations contained above, Complainant proposes that Respondent pay a gravity-based penalty of \$2,474.50 plus a penalty representing a fifteen (15) percent (\$371.00) upward adjustment due to a history of non-compliance plus a penalty representing an economic benefit of \$496.00 realized by Respondent. The total proposed civil penalty for the violations alleged in Count II is therefore \$3,341.50.

C. COMPLIANCE ORDER

18. IT IS HEREBY ORDERED that within thirty (30) days of receipt of this Order, the Respondent shall pay a penalty of \$277,654.50. Payment shall be made by certified or cashier's check payable to "Treasurer of the United States" and remitted to the Regional Hearing Clerk, United States Environmental Protection Agency, Region VII, c/o Mellon Bank, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251. A copy of said check shall be sent simultaneously by certified mail, return receipt requested, to Mr. Jim Aycock, Environmental Engineer, ARTD/RESP, U.S. EPA Region VII, 901 N. 5th St., Kansas City, Kansas 66101. The check must reference the EPA Docket Number of this Complaint and Compliance Order and the Respondent by name.

19. IT IS FURTHER ORDERED that Respondent take the following actions within the periods specified:

(A) Upon the effective date of this Order, Respondent shall immediately cease all releases of pentachlorophenol wood treatment preservative product and wastes at the facility, including but not limited to exhaust and drippage outside of the retort, and in the treatment building, storage yard areas and on the train tracks, in accordance with 10 C.S.R. 25-7.265(1) and

10 C.S.R. 25-7.265(2), incorporating by reference the standards set forth in 40 C.F.R. Part 265.

(B) Within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA a certification with a detailed description of how Respondent has changed its operations and processes to cease all releases of pentachlorophenol wood treatment preservative product and wastes at the facility.

(C) Upon the effective date of this Order, Respondent shall immediately cease disposing in the general trash all PCP-contaminated gloves, pending completion of the hazardous waste determination for these materials, as required by paragraph (D) below.

(D) Within thirty (30) days of the effective date of this Order, Respondent shall perform a hazardous waste determination in accordance with 10 C.S.R. 25-5.262(1) and 10 C.S.R. 25-5.262(2), referencing 40 C.F.R. § 262.11, on each solid waste stream generated by Respondent. Solid waste streams generated at wood treatment facilities include but are not limited to: sludge, waste preservative, wood chips, splinters, sand, sawdust, banding, gloves, personal protective equipment, storm water, waste water, etc. Within seven (7) days of making each determination, Respondent shall submit to EPA documentation demonstrating that the determination has been performed. The documentation to be submitted shall include the following:

- (1) A description of the process that generated the waste;
- (2) A determination of whether or not the waste has been excluded from regulation under 40 C.F.R. Part 261;
- (3) A determination of whether or not the waste has been listed in Subpart D of 40 C.F.R. Part 261; and

(4) A determination of whether or not the waste is identified in 40 C.F.R. Part 261, Subpart C. To determine whether the waste exhibits any of the characteristics in Subpart C, the waste may need to be analyzed using the procedure set forth in Subpart C of 40 C.F.R. Part 261, or by applying knowledge of the waste characteristics based upon the material or processes used. If knowledge of the process is used, Respondent shall provide a detailed explanation regarding the basis for this knowledge/reasoning.

(E) Within sixty (60) days of the effective date of this Order, Respondent shall determine the facility's generator status based on the amount of hazardous waste generated in a calendar month or accumulated on-site at any one time. Respondent shall immediately manage all hazardous wastes in accordance with 10 C.S.R. Division 25, based upon the facility's generator status. Within seven (7) days of ascertaining the facility's generator status, Respondent shall submit to EPA documentation identifying the facility's generator status and listing all hazardous wastes being stored on-site along with the date upon which accumulation of each such waste began.

(F) Within seventy-five (75) days of the effective date of this Order, Respondent shall submit to EPA documentation demonstrating that the facility has filed an updated generator registration with the MDNR regarding any changes to the information previously filed with the department, in accordance with 10 C.S.R. 25-5.262(2)(A)3.B.

(G) Within sixty (60) days of the effective date of this Order, Respondent shall ship off-site all hazardous wastes that have been stored at the facility in excess of the time allowed based upon Respondent's generator status. All hazardous wastes shall be shipped to a permitted hazardous waste treatment, storage and/or disposal facility. Respondent shall submit

to EPA a copy of the manifest and Land Disposal Restriction ("LDR") notice forms within thirty (30) days of each off-site shipment.

(H) For a period of six (6) months following the effective date of this Order, Respondent shall submit to EPA copies of all completed manifests and LDR notice forms within thirty (30) days of each shipment of hazardous waste from the facility.

(I) Within ninety (90) days of the effective date of this Order, Respondent shall submit to EPA a certification with a detailed description of how Respondent is conducting all wood treatment operations at the facility in compliance with the hazardous waste regulations found at 10 C.S.R. Division 25, 40 C.F.R. § 262.34 and 40 C.F.R. Part 265 Subpart W, based on Respondent's generator status.

(J) If Respondent ceases to use the retort for wood treatment at the facility for more than ninety (90) days, any hazardous waste remaining in the retort becomes subject to regulation under RCRA pursuant to 40 C.F.R. § 261.4(c), incorporated by reference at 10 C.S.R. 25-4.261, and must be shipped off-site to a permitted hazardous waste treatment, storage and/or disposal facility. Respondent shall submit to EPA a copy of the manifest and Land Disposal Restriction Notice form(s) within thirty (30) days of each off-site shipment.

(K) Site Characterization and Cleanup

(1) *Site Characterization Work Plan and Report.* Respondent shall submit a Site Characterization Work Plan to EPA for review and approval within thirty (30) days of the effective date of this Order. The Site Characterization Work Plan shall include provisions for systematically sampling the entire site, with specific attention to those areas where PCP contamination is likely to be found based upon past practices at the facility. This Work Plan

shall include sampling and analysis activities necessary to define the extent of contamination of soil, ground water and surface water by the wood treating operations and wood treatment chemicals used at the site. The Work Plan must address, but not be limited to, contamination or potential contamination in or on the following areas at the site: all areas of the site currently or previously used for treated wood storage, the area between the rails leading into the treatment cylinder, the area around the treatment building, the floor of the treatment building, and the on-site ditch southeast of the retort.

This Work Plan shall include a detailed schedule for implementation of the Work Plan and provisions for notification to EPA at least thirty (30) days in advance of the date of any field sampling and/or field boring activities. The Work Plan shall include a Quality Assurance Project Plan ("QAPP") and a Health and Safety Plan ("HASP"). The QAPP shall address quality assurances, quality control, and chain of custody procedures in accordance with "EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations" (EPA QA/R-5 (March 2001)), as well as other such applicable guidance identified by EPA. The QAPP shall describe the sampling procedures that will be used and the proposed sampling locations, and shall ensure that samples are collected and analyzed using EPA-approved protocols. In addition, the QAPP shall describe the number and type of samples to be collected, the method(s) of collection and analysis, and criteria for determining sampling locations. The HASP shall be consistent with applicable Occupational Safety and Health Administration (OSHA) regulations.

Upon EPA approval of this Work Plan, Respondent shall implement the Work Plan in accordance with the schedule contained therein. The results of this work shall be submitted to EPA for review and approval in a Site Characterization Report within one hundred twenty (120)

days of EPA approval of the Site Characterization Work Plan and QAPP. The Site Characterization Report shall summarize the work performed pursuant to the approved Site Characterization Work Plan, and include, but not be limited to, the following information: a detailed summary of all field investigation activities, the results of all sampling and analysis, maps of the site showing the actual sampling locations, maps and cross sections of the site showing the horizontal and vertical extent of contamination, a detailed description of the circumstances and resolution of any instances where the Work Plan was not implemented as approved, and Respondent's proposed cleanup options (actions), performance standards and cleanup levels for the Site.

Based upon the information provided in the Site Characterization Report and other information available to EPA, EPA will select a cleanup action or actions for the facility. EPA will provide written notice to Respondent of the cleanup action and any performance standards and cleanup levels that are selected by EPA.

(2) *Cleanup Action Work Plan and Report.* Respondent shall submit a Cleanup Action Work Plan for EPA review and approval within thirty (30) days of receipt of written notice that EPA has selected a cleanup action or actions for the site. The Cleanup Action Work Plan, shall include the performance standards and cleanup levels as specified by EPA, establish the goals and methodology for cleanup of the contamination present at the site, describe the procedures for conducting the cleanup actions as selected by EPA and include a schedule for implementation and a QAPP and HASP as described in paragraph (K), above. The Work Plan shall also include provisions for notification to EPA at least thirty (30) days in advance of the date of any field activities.

Upon EPA approval of this Work Plan, Respondent shall implement the Work Plan in accordance with the schedule contained therein. The results of this work shall be submitted for EPA review and approval in a Cleanup Action Report which shall be submitted within sixty (60) days of completion of cleanup activities at the site. The Cleanup Action Report shall include, but not be limited to, a summary of all activities completed pursuant to the Work Plan, the results of all confirmatory sampling and analysis, maps of the site showing the actual sampling locations, maps and cross sections of the site indicating the location and extent of cleanup activities (i.e. soil removal), a detailed description of the circumstances and resolution of any instances where the Work Plan was not implemented as approved, an explanation of how the cleanup goals were met for the site, and copies of all hazardous waste manifests, Land Disposal Restriction Notices, bills of lading and other documentation for the off-site shipment of contaminated media and/or debris.

D. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

20. In accordance with Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), the Compliance Order shall become final unless the Respondent files an answer and requests a public hearing in writing no later than thirty (30) days after service of this Complaint, Compliance Order and Notice of Opportunity for Hearing.

21. A written answer to the Complaint and Compliance Order and the request for hearing must satisfy the requirements of 40 C.F.R. Section 22.15 (1980) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, a copy of which is attached hereto. The answer and request for hearing must be filed with the Regional Hearing Clerk, U.S. EPA, Region VII, 901 N. 5th St., Kansas

City, Kansas 66101. A copy of the answer and request for hearing and copies of any subsequent documents filed in this action should be sent to Leslie A. Humphrey, Associate Regional Counsel, Office of Regional Counsel, at the same address.

22. The Respondent's failure to file a written answer and request a hearing within thirty (30) days of service of this Complaint, Compliance Order, and Notice of Opportunity for Hearing will constitute a binding admission of all allegations contained in the Complaint and a waiver of the Respondent's right to a hearing. A Default Order may thereafter be issued by the Regional Judicial Officer, and the civil penalty proposed herein shall become due and payable without further proceedings.

23. The total proposed penalty for Counts I and II is \$277,654.50. This proposed penalty set forth above is based on the best information available to EPA at the time that the Complaint was issued. The penalty may be adjusted if the Respondent establishes bona fide issues of ability to pay or other defenses relevant to the appropriate amount of the proposed penalty.

E. SETTLEMENT CONFERENCE

24. Whether or not the Respondent requests a hearing, an informal conference may be requested in order to discuss the facts of this case in an attempt to arrive at settlement. To request a settlement conference, please write to: Leslie A. Humphrey, Associate Regional Counsel, Office of Regional Counsel, U.S. EPA, Region VII, 901 N. 5th St., Kansas City, Kansas 66101; or call her at (913) 551-7227.

25. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted.

The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.

26. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement as a result of informal conference. However, no penalty reduction will be made simply because such a conference is held. Any settlement which may be reached as a result of such a conference shall be embodied in a written Consent Agreement and Consent Order which may be issued by the Regional Judicial Officer, EPA Region VII.

27. If the Respondent has neither effected a settlement by informal conference nor requested a hearing within the thirty (30) day time period allowed by the Complaint, Compliance Order and Notice of Opportunity for Hearing, the penalties will be assessed without further proceedings and the Respondent will be notified that the penalties have become due and payable.

F. SUBMITTALS

28. All submittals made pursuant to this Order, unless otherwise specified, shall be sent to Mr. Jim Aycock, Environmental Scientist, ARTD/RESP, U.S. EPA Region VII, 901 N. 5th Street, Kansas City, Kansas 66101, and to Ms. Kathy Flippin, Missouri Department of Natural Resources, P.O. Box 176, Jefferson, City, Missouri, 65102.

G. EFFECTIVE DATE

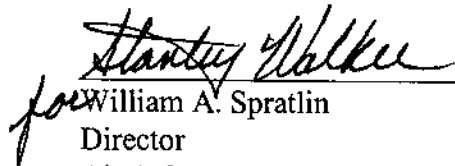
29. This Complaint, Compliance Order and Notice of Opportunity for Hearing shall become effective on the date signed by the Director, Air, RCRA and Toxics Division, EPA Region VII.

In the Matter of:
Missouri Woodtreating Company, Inc.
Docket No: RCRA-07-2001-0016

IT IS SO ISSUED AND ORDERED:

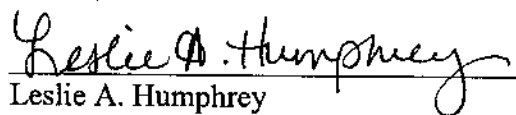
12/30/02

Date


for William A. Spratlin
Director
Air, RCRA, and Toxics Division
U.S. Environmental Protection Agency
Region VII

12/30/02

Date


Leslie A. Humphrey
Associate Regional Counsel
U.S. Environmental Protection Agency
Region VII

Certificate of Service

I certify that on the date below I sent, a true and correct copy of the Complaint, Compliance Order and Notice of Opportunity for Hearing to the Regional Hearing Clerk, U.S. EPA, Region 7, 901 North 5th Street, Kansas City, Kansas 66101. I further certify that a true and correct copy was sent by certified mail, return receipt requested to:

Mr. Billy Hayes
President
Missouri Woodtreating Company, Inc.
120 Anderson Lane
Raymondville, Missouri 65555

Dated this 30 day of Dec, 2002.

Amy Gonzalez
Name

12/12/02

Prepared by Jim Aycock

PENALTY COMPUTATION WORKSHEET - COUNT I

Company Name: Missouri Wood Treating
Address: 120 Anderson Lane, Raymondville, MO

Requirement Violated: 260.390(1) RSMo and § 3005(a) of RCRA, 42 U.S.C. §6925(a) - disposal of hazardous waste on-site without a permit.

PENALTY AMOUNT FOR COMPLAINT

- | | |
|---|-------------|
| 1. Gravity based penalty from matrix: | \$22,000 |
| (a) Potential for harm: Major | |
| (b) Extent of Deviation: Major | |
| 2. Select an amount from the appropriate multi day matrix cell: | \$1,100 |
| 3. Multiply line 2 by number of days of violation minus 1
[or other number, as appropriate (provide narrative explanation)]:
179 days x \$1,100 = | \$196,900 |
| 4. Add line 1 and line 3: | \$218,900 |
| 5. Percent increase/decrease for good faith: N/A | |
| 6. Percent increase for willfulness/negligence: N/A | |
| 7. Percent increase for history of noncompliance: +15% | |
| 8.* Total lines 5 thru 7: | +15% |
| 9. Multiply line 4 by line 8: | \$32,700.00 |
| 10. Calculate economic benefit: | \$22,713.00 |
| 11. Add lines 4, 9 and 10 for penalty amount to be inserted in the complaint: | \$274,313 |

PENALTY COMPUTATION WORKSHEET - COUNT II

Company Name: Missouri Wood Treating
Address: 120 Anderson Lane, Raymondville, MO

Requirement Violated: 10 Code of State Regulations (CSR) 25-5.262(1) incorporating 40 CFR §262.11 - failure to make a waste determination.

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix: \$2,474.50
 - (a) Potential for harm: Minor
 - (b) Extent of Deviation: Major
2. Select an amount from the appropriate multi day matrix cell: \$0
3. Multiply line 2 by number of days of violation minus 1
[or other number, as appropriate (provide narrative explanation)]:
4. Add line 1 and line 3: \$2,474.50
5. Percent increase/decrease for good faith: N/A
6. Percent increase for willfulness/negligence: N/A
7. Percent increase for history of noncompliance: +15%
8. Total lines 5 thru 7: 15%
9. Multiply line 4 by line 8: \$371.00
10. Calculate economic benefit: \$496.00
11. Add lines 4, 9 and 10 for penalty amount to be inserted in the complaint: \$3,341.50.